

5559. Adulteration and misbranding of apple cider. U. S. * * * v. Missouri Cider and Vinegar Co., a corporation. Plea of guilty. Fine, \$45 and costs. (F. & D. No. 7574. I. S. Nos. 14797-k, 15257-k, 11791-l.)

On January 16, 1917, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Missouri Cider and Vinegar Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 21, 1915, July 28, 1915, and December 9, 1915, from the State of Missouri into the State of Illinois, of quantities of an article labeled in part, "Golden Russet Brand Sweet Apple Cider," which was adulterated and misbranded.

Analyses of samples of the article in each shipment by the Bureau of Chemistry of this department showed the following results:

Shipment of July 28:

Alcohol (per cent by volume)-----	5.35
Solids, by drying (grams per 100 cc)-----	2.90
Ash (gram per 100 cc)-----	0.07
Acid, as malic (gram per 100 cc)-----	0.58
Volatile acid, as acetic (gram per 100 cc)-----	0.29
Fixed acid, as malic (gram per 100 cc)-----	0.26
Total tartaric acid (gram per 100 cc)-----	0.16
Free tartaric acid (gram per 100 cc)-----	0.01
Cream of tartar (gram per 100 cc)-----	0.13

This is a highly diluted cider to which tartaric acid and sugar have been added.

Shipment of July 21:

Alcohol (per cent by volume)-----	0.32
Total solids (grams per 100 cc)-----	10.66
Reducing sugars before inversion (grams per 100 cc)---	6.54
Reducing sugars after inversion (grams per 100 cc)----	9.34
Nonsugar solids (grams per 100 cc)-----	1.46
Sucrose by copper (grams per 100 cc)-----	2.66
Total ash (gram per 100 cc)-----	0.07
Total tartrates, as tartaric acid (gram per 100 cc)-----	0.09

The results of analysis show the presence of added water, added sugar, and added tartaric acid.

Shipment of December 9:

Alcohol (per cent by volume)-----	0.30
Total solids (grams per 100 cc)-----	11.70
Reducing sugars before inversion (grams per 100 cc)---	6.15
Reducing sugars after inversion (grams per 100 cc)----	10.52
Sucrose by copper (grams per 100 cc)-----	4.15
Nonsugar solids (grams per 100 cc)-----	1.40
Total ash (gram per 100 cc)-----	0.15

The results of analysis show the presence of added water and added sugar.

Adulteration of the article in each shipment was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce or lower, and injuriously affect its quality and strength, and had been substituted in part for sweet apple cider, which the article purported to be.

Adulteration of the article in the shipments on July 21, 1915, and July 28, 1915, was alleged for the further reason that sugar and tartaric acid had been mixed therewith in a manner whereby its inferiority was concealed.

Misbranding of the article in each shipment, except that on December 9, 1915, was alleged for the reason that it was a product composed in part of added water, added sugar, and added tartaric acid, prepared in imitation of sweet apple cider, and was offered for sale and sold under the distinctive name of another article, to wit, sweet apple cider. Misbranding was alleged for the further reason that the statement borne on the label attached to the kegs containing the article, to wit, "Sweet Apple Cider," was false and misleading in that it represented that said article was sweet apple cider; and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sweet apple cider, whereas, in truth and in fact, it was not, but was a product composed in part of water, added sugar, and tartaric acid. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding of the article in the shipment on December 9, 1915, was alleged for the reason that it was a product composed in part of added water and added sugar, prepared in imitation of sweet apple cider, and was offered for sale and sold under the distinctive name of another article, to wit, sweet apple cider. Misbranding was alleged for the further reason that the statement borne on the label, to wit, "Sweet Apple Cider," was false and misleading in that it represented that said article was sweet apple cider, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sweet apple cider, whereas, in truth and in fact, it was not, but was a product composed in part of added water and added sugar. Misbranding of the article was alleged for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 15, 1917, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$45 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*